

'This became an ignorance is bliss moment': DA won't charge Aurora officer found passed out drunk in patrol car

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DA George Brauchler has "no doubt of the facts," but said he can't prove the case, partly due to evidence that police didn't collect.

AURORA, Colo. — The Arapahoe County District Attorney's Office won't pursue charges against the on-duty Aurora Police (APD) officer found drunk and unresponsive behind the wheel of his unmarked patrol car last year because he lacks the ability to prove it in court.

"I was desperate to find some way to move forward on this case," said George Brauchler, district attorney for the 18th Judicial District. "This would be the weakest DUI we've ever moved forward on."

Brauchler said Thursday that his office first learned of the incident involving Officer Nate Meier through local media, 257 days after it happened.

Meier, 48, was first found on March 29, 2019 after a woman called 911 and told the dispatcher there was an unconscious man in the driver's seat of a vehicle that was stopped in the middle of East Mississippi Avenue near Buckley Air Force Base.

According to a police report, Meier's Ford Taurus' engine was running, the car was in gear and his foot was on the brake. Responding officers said he was wearing his uniform and had his service weapon on him.

Police-worn body cameras captured the moments officers responded to help Meier. In one video, Meier is seen in the driver's seat of his vehicle with his eyes closed and his chin to his chest.

First responders couldn't wake Meier and had to break a window to get him out of the vehicle, the report says. Meier was then taken to the hospital.

Following a lengthy investigation, Brauchler said he has no doubts about the facts of the case, but said he lacks enough evidence to move forward with criminal charges. Part of that, according to Brauchler, was due to the way other members of APD handled the investigation.

"I think this became an 'ignorance is bliss' moment," Brauchler said Thursday. "I think this became, 'We don't want to know. We don't want to get evidence that might show what we suspect.' I don't think it's a cover-up, but it's a couple blocks from it."

Brauchler pointed to the fact that officers didn't request blood samples from Meier, despite accounts of him smelling like alcohol.

"There was no attempt ever to seek Meier's blood," Brauchler said. "His blood alcohol would have calculated out to .430. That is significantly intoxicated."

Brauchler said the BAC records taken at the hospital are protected by privilege and could not be used in trial because officers never attempted to seek that evidence as part of their initial investigation.

"With an agency I put a great deal of trust in, I think that they are an incredible law enforcement agency [APD]," Brauchler said. "I think it's embarrassing for the 99.9% of men and women there that they have to go through the community with this kind of thing over their head. I'm frustrated."

"I echo his frustration in the way the case was handled," APD's Interim Police Chief Vanessa Wilson said Thursday. "I think people within the community are angry and people who are in the police department are angry."

In a prior statement after the incident, APD said, "there was no evidence located in the vehicle indicating this was an incident involving alcohol" and that officers treated it as an emergency medical situation.

Meier later admitted to his superiors that he had gone home during his shift on March 29 and drank "vodka from a bottle." An internal affairs report said Meier admitted to being "impaired" by the alcohol and was unaware of what happened next until he woke up in the hospital.

"Bottom line is, if one of us had been in that car and not Officer Nate Meier, you ask me, 'Do I think it would have been treated differently?' I do," Brauchler said.

Brauchler also said at this point there's not enough evidence to charge any of the officers who responded to the call involving Meier with official misconduct.

An internal affairs report concluded that Meier violated four police policies, including neglect of duty and alcohol impairment.

He is still employed by APD but was demoted from an agent to an officer and "received a significant unpaid suspension," according to APD.

"For the decisions that he made that day, I am going to open an internal affairs investigation cause I have some questions," said Wilson. "This was done wrong. I own that this was done wrong and I ask for them [the community] to give me the opportunity to move forward and to gain that trust back."

Wilson said Deputy Chief Paul O'Keefe's internal affairs investigation will include O'Keefe's handling of the case.